

REMARKS***Claim Rejections - 35 U.S.C. §102***

In the Office Action, the Examiner rejected claims 1-19 under 35 U.S.C. §102(e) as allegedly being anticipated by United States Patent No. 6,625,451 to LaMedica, Jr.

Amended Claim 1 recites:

A radio receiver having a plurality of features programmable by a user to create a plurality of radio receiver operating configurations, said operating configurations being selectable by a user to determine which of said configurations will control the operation of said radio receiver at a given time, said radio receiver comprising:

a housing;
a memory disposed within said housing, said memory configured such that a plurality of radio receiver operating configurations are storable therein; and
a user interface coupled to said memory for enabling a user to program said plurality of radio receiver operating configurations and store said configurations in said memory, and for enabling a user to select one of said radio receiver operating configurations to control the operation of said radio receiver at a plurality of given times.

Amended Claim 17 recites:

A method for managing a plurality of operating configurations for a radio receiver comprising the steps of:

providing a radio receiver including a housing, a memory disposed within said housing configured such that a plurality of operating configurations are storable therein, a user interface coupled to said memory for enabling a user to program said plurality of radio receiver operating configurations; and

operating the radio receiver to store data relating to said operating configurations in said memory.

The patent to LaMedica Jr. discloses a mobile telephone/station 3 for use in a communication system 20. The patent to LaMedica Jr. describes an enhancement to mobile telephone technology which allows the telephone 3 to operate in a plurality of modes to ensure

Serial No.: 10/811,720

Art Unit: 2681

Page 6

that the user operates the telephone in a cost-effective manner. The patent explains that in some situations, for example, when a user is roaming outside of his/her home broadcast system, additional costs may be incurred to place or receive calls using another broadcast system. Each broadcast system is identified by a system identifier (SID). The SID of the user's home broadcast system and the SID of other preferred broadcast systems are used by the service provider to create a preferred roaming list (PRL) which is downloaded by the provider into the memory of the telephone.

Although the Examiner finds that LaMedica Jr. discloses a radio receiver having a plurality of features programmable by a user, Applicant finds no such disclosure by LaMedica Jr. Rather, as described at column 16 lines 5-9, the handset of LaMedica Jr. is programmed by the service provider at the time of service activation. Subsequent to this programming by the service provider the user merely selects a mode of operation. The Examiner cites Col. 6, line 56- col. 7, line 43 and col. 20, line 56- col. 21, line 18 to support the rejection of claims 1-19 as being anticipated by LaMedica Jr. Col. 6, line 56 - col. 7, line 43 provides:

Thus, one aspect of the invention relates to a mobile communication station. The station includes a wireless transceiver for two-way communication via a selected one of a number of public wireless communication systems and for signaling with those systems. A programmable controller, coupled to the wireless transceiver, controls operation of the station including that of the transceiver. The station also includes a memory, for example, for storing one or more system identifiers. A user interface enables a user of the mobile station to provide a selection input to the programmable controller. The station also includes a program for execution by the programmable controller. The program execution causes the mobile station to operate in at least two modes in response to the selection input by the user. If a user selects a first mode, the programmable controller causes the transceiver to scan

Serial No.: 10/811,720

Art Unit: 2681

Page 7

an air-interface only for a system identification matching an identifier stored in the memory and to register with a system broadcasting the matching system identification. However, if a user selects a second one of the modes, the station executes a hierarchical system selection procedure. The transceiver first scans the air-interface for a system identification matching an identifier stored in the memory of the mobile station, and if one is found, the transceiver registers with the system broadcasting the matching system identification. If the mobile station fails to detect a match for a stored identifier on the air interface, the transceiver performs an alternate scan of an air-interface to find an identifier for another system not identified in the memory of the mobile station. If the alternate scan detects an identifier of another system, the transceiver registers with that system.

In a preferred embodiment, the user interface comprises a display coupled to the programmable controller for displaying information including at least one mode selection option. The user interface also includes one or more keys coupled to the programmable controller for obtaining the selection input while the display shows the at least one mode selection option. The invention, however, encompasses other user interfaces, for example utilizing spoken command recognition and synthesized voice prompts.

The preferred embodiment actually implements four user selectable modes of operation. In a first of these modes, the transceiver scans the air-interface only for a system identification consisting of an identifier of a home system assigned to serve the mobile station and only locks onto or registers with a system broadcasting the home system identifier. In another mode utilizing stored identification, the memory stores a list of system identifiers for preferred public wireless communication systems, one of which may be that of the home system. In this mode the transceiver scans for and locks onto a system broadcasting an identification matching any one of the system identifiers contained in the list. The preferred roaming list of system identifiers may specify the system identifiers in a hierarchy of preference, e.g. based on best available cost.

Col. 20, line 56- col. 21, line 18 provides:

When loaded into the mobile station, the executable code and any associated data reside in one or more of the memories 43, 45 of the

Serial No.: 10/811,720

Art Unit: 2681

Page 8

station and are loaded into working memory space or registers within the microprocessor 41 within the station 3, as needed for operation. As such, one type of medium, which will bear the executable code of the product comprises various physical storage media used in the station 3 itself. As noted earlier, the executable code and any associated data, such as the PRL list, may be loaded from a server into memory in the handset. Thus, another type of medium that may bear the executable code comprises memory devices commonly used in servers or other computers. Examples of this later type of media include hard and floppy disk drives, JAZZ drives, ZIP drives, CD-ROM, data tape drives, semiconductor memories, PCMCIA cards, etc., as well as various scannable media enabling loading of the code into the server.

The transfer from the server to the mobile station may utilize a direct electrical connection from a port of the server to a data port on the mobile station. Alternatively, the server may send the programming through a network, to download the code and associated data to the mobile station. The download signal typically will travel through some landline portion of the network, but it preferably utilizes the air-link to finally reach the mobile station. Hence, another class of machine-readable medium encompasses optical, electrical, and electro-magnetic signals or waves for carrying the code and associated data both on physical links and on wireless links. The code and data may be transferred into the server in a similar fashion.

In describing the preferred embodiment, LaMedica Jr. indicates that the telephone is programmed with four modes for selection including: the Home Only mode, the PRL Only mode, the PRL-PREFERRED mode, and the PRL-Non Preferred mode. (See Col. 14, lines 40-45). The system select feature is further described at column 16, line 65- column 17, line 12 as follows:

In the preferred embodiment, the user interface of the station 3 allows the customer to set the station into four system select modes. The display 39 will show a menu of these possible selection mode settings, and the customer selects the desired mode setting from those shown by operation of the keypad 37. The four settings are Home Only, PRL Only, PRL Preferred, and PRL-Non

Serial No.: 10/811,720

Art Unit: 2681

Page 9

Preferred. The PRL-Non Preferred setting is potentially the most costly, and therefore this setting is available only on a limited basis after selection thereof, for example for a short time period (e.g. five minutes) after selection or for one call following the selection. When selected, the station 3 will remain set in the other system selection modes until set to a different mode by some positive action by the customer. (emphasis added)

As described at column 16, lines 5-23 of LaMedica Jr.:

The service provider stores an initial version of the PRL list in memory in the station 3, at the time of service activation. Again, the preferred approach is to download this list over-the-air at service activation. As the service provider's business arrangements change over time, the provider utilizes the same procedure to periodically download a new updated version of the PRL list, as a replacement for the previous version stored in the station. As part of the operation to change the PRL list, the carrier also may set certain parameters of the system Select Feature programming of the mobile station. For example, the carrier might change the parameters of the event detection in the PRL-Non Preferred mode, e.g. to wait a shorter or longer time before resetting, to allow two calls, or to reset to a different one of the earlier modes. For certain customers, the carrier may set the station to a particular mode, such as Home Only or PRL Only, in order to implement some certain limited subscription services. The provider may even download a new version of the executable software relating to the system select feature.

As described, therefore, programming of the mobile station is not performed by the user but rather is performed by the service provider. As provided at page 7, lines 1-5, the user of Applicant's invention can configure operations such as determining the frequencies to be scanned, setting the display contrast, determining automatic gain control, and squelch settings. No such similar function is provided to the user of the LaMedica Jr. device. Rather, the user of the LaMedica Jr. device is merely allowed to select a mode of operation. If a change to the mode Serial No.: 10/811,720
Art Unit: 2681
Page 10

of operation, such as changing the amount of time allowed to pass before resetting in the PRL.

Non-Preferred mode is desired, this change cannot be made by the user of the LaMedica Jr.

device. In contrast, Applicant's device allows the user to program the operation configuration.

In addition to the ability to program the configuration of the LaMedica Jr. device, loading of data into the LaMedica Jr. device differs from the loading of data in Applicant's device

Loading of data into the mobile station of LaMedica Jr. is described at column 20, line 56-
column 21, line 18:

When loaded into the mobile station, the executable code and any associated data reside in one or more of the memories 43, 45 of the station and are loaded into working memory space or registers within the microprocessor 41 within the station 3, as needed for operation. As such, one type of medium, which will bear the executable code of the product comprises various physical storage media used in the station 3 itself. As noted earlier, the executable code and any associated data, such as the PRL list, may be loaded from a server into memory in the handset. Thus, another type of medium that may bear the executable code comprises memory devices commonly used in servers or other computers. Examples of this later type of media include hard and floppy disk drives, JAZZ drives, ZIP drives, CD-ROM, data tape drives, semiconductor memories, PCMCIA cards, etc., as well as various scannable media enabling loading of the code into the server.

The transfer from the server to the mobile station may utilize a direct electrical connection from a port of the server to a data port on the mobile station. Alternatively, the server may send the programming through a network, to download the code and associated data to the mobile station. The download signal typically will travel through some landline portion of the network, but it preferably utilizes the air-link to finally reach the mobile station. Hence, another class of machine-readable medium encompasses optical, electrical, and electro-magnetic signals or waves for carrying the code and associated data both on physical links and on wireless links. The code and data may be transferred into the server in a similar fashion.

Serial No.: 10/811,720

Art Unit: 2681

Page 11

Unlike the LaMedica Jr. device, Applicant's device does not require storage of data on a server or floppy disk. Rather, as described on page 9, lines 5-16, when the user chooses a set up configuration from the memory 24 within the scanner and loads that configuration into the working memory 22 of the scanner. Thus, no connection to a computer is required. As described in the background portion of Applicant's specification, the use of a computer in connection with the scanner for storage of alternate setup configurations is not practical.

Thus, as provided by the disclosure of LaMedica, the mobile station described by LaMedica is not designed to be programmed by the user as required by claim 7. Such loading of data from a computer into a handset is what applicant's invention eliminates. Thus, the mobile station of LaMedica suffers from the same disadvantages as the prior art described in applicant's specification.

Because LaMedica does not disclose or suggest a radio receiver having a plurality of features programmable by a user as defined by claims 1 and 17, Applicant respectfully request that the Examiner's rejection of claims 1 and 17 be withdrawn and that the claims be allowed. Claims 2, 3, 5, 6 and 11 depend from claim 1. Applicant asserts that because claim 1 is allowable, claims 2, 3, 5, 6 and 11 are also allowable. Claim 18 depends from claim 17. Applicant asserts that because claim 17 is allowable, claim 18 is also allowable.

Applicant respectfully requests reconsideration and allowance of claims 2, 3, 5, 6, 11 and 18.

The present application has been amended in response to the Examiner's Office Action to place the application in condition for allowance. Applicant, by the amendments and remarks

Serial No.: 10/811,720
Art Unit: 2681
Page 12

presented above, has made a concerted effort to present claims which clearly define over the prior art of record, and thus to place this case in condition for allowance.

Should the present claims not be deemed adequate to effectively define the patentable subject matter, the Examiner is respectfully urged to call the undersigned attorney of record to discuss the claims in an effort to reach an agreement toward allowance of the present application.

Respectfully submitted,

Date: Oct. 11, 2005

By:



Raiford A. Blackstone, Jr. Reg. No. 39,979

Paige A. Kitzinger, Reg. No. 45,219

TREXLER, BUSHNELL, GIANGIORGI,

BLACKSTONE & MARR, LTD.

105 West Adams Street, 36th Floor

Chicago, Illinois 60603-6299

Tel: (312) 704-1890

\$61900.WPD

Serial No.: 10/811,720

Art Unit: 2681

Page 13